

## UNITED STATES DISTRICT COURT

for the

Northern District of New York

UNITED STATES OF AMERICA )

v. )

GARCIA-Flores, Jose )

AKA: AGULAR-Munoz, Moises )

Case No. 8:17-MJ-421 (GLF)

Defendant )

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of September 17, 2017 in the county of Essex in the Northern District of New York the defendant violated:


*Code Section*  
8 U.S.C. § 1324(a)(1)(A)(ii)

*Offense Description*  
Transport and move or attempt to transport and move aliens within the United States by means of motor vehicle transportation in violation of 8 U.S.C. § 1324(a)(1)(A)(ii)

This criminal complaint is based on these facts:

On or about September 17<sup>th</sup>, 2017, the defendant, GARCIA-Flores, knowingly and in reckless disregard of the fact that, DIAZ-Arevalo, Guadalupe, ALCARAZ-Diaz, Samuel, and VELA-Hernandez, Jesus, all aliens, had come to, entered, and remained in the United States in violation of law, did transport and move and attempt to transport and move such aliens within the United States by means of transportation, in furtherance of such violation of law.

☒ Continued on the attached sheet.

  
Complainant's signature  
Trevor Kinblom, Border Patrol Agent  
Printed name and title

Sworn to before me and signed in my presence.

Date: September 19th, 2017

  
Judge's signature

City and State: Plattsburgh, NY

Hon. Gary L. Favro, U.S. Magistrate Judge  
Printed name and title

***United States of America v. GARCIA-Flores, Jose AKA: AGULAR-Munoz, Moises***

On September 17<sup>th</sup>, 2017 Border Patrol Agent (I) Jim Roberts was assigned Border Patrol Traffic Checkpoint duties on Interstate 87 in North Hudson, New York. At approximately 10:50 AM a red Toyota Tacoma bearing Maryland State registration, 8BN5273 entered BPA Roberts primary inspection lane. When the vehicle stopped in front of him BPA Roberts identified himself as a Border Patrol Agent and informed the occupants that they were stopped at an immigration checkpoint. The vehicle was occupied by four subjects – the driver, two other males in the front seat and one female curled up on the floor behind the driver. BPA Roberts asked them where they were coming from. The driver, later identified as Jose GARCIA, struggled to answer the question and stated they were going to Maryland. BPA Roberts then questioned them in the Spanish language to which they seemed to better understand. GARCIA stated he was a “naturalized United States Citizen but didn’t have his documents present”. When BPA Roberts asked for identification for all the occupants of the vehicle stated that they all had paperwork to be in the United States but not with them in the vehicle. BPA Roberts instructed the driver to go to secondary for further inspection.

In the checkpoint processing center, it was determined that the subjects in the vehicle were DIAZ-Arevalo, Guadalupe, GARCIA’s wife, ALCARAZ-Diaz, Samuel, DIAZ’s son and VELA-Hernandez, a friend of the son’s. The driver presented a Maryland driver’s license in the name of AGULAR-Munoz, Moises and the registration of the vehicle was also in this name. Fingerprint checks revealed that AGULAR-Munoz had been arrested and voluntarily returned to Mexico via Laredo, TX back in 2007 under the name of GARCIA-Flores, Jose. He also had prior arrests in 1997 under the same name GARCIA in Mississippi.

After being read his Miranda rights in the Spanish language, Jose GARCIA stated that he was visiting a friend in Champlain, NY. He received a call from his wife, Guadalupe, around 12:00 AM on September 17<sup>th</sup>, 2017 to arrange for GARCIA to pick them up at the US/Canadian border in Champlain, NY. DIAZ, VELA, and ALCARAZ, claimed to have flown to Canada from Mexico on July 31, 2017. ALCARAZ and DIAZ were denied entry at that time and filed a petition for admittance into Canada. VELA was admitted into Canada on July 31, 2017. They flew back and entered Canada on September 7<sup>th</sup> and all three traveled to an area they believed to be Lacolle in Canada.

On September 16<sup>th</sup>, 2017 DIAZ, ALCARAZ, and VELA stated they walked across the Canadian border in a slightly wooded area but didn’t remember where. GARCIA stated that he picked all three of them up around 8:00 or 9:00 AM to transport them to his home in Maryland. GARCIA was aware that the three subjects were citizen of Mexico and it was his plan to get them into the United States and then work on getting immigration status for everyone.

None of the four subjects had documents allowing them to be in or remain in the United States legally. They were all citizens and nationals of Mexico and present in the United States illegally.